



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 19, 1998

Mr. Joe F. Grubbs
Ellis County District Attorney
Ellis County Courthouse
Waxahachie, Texas 75165-3759

OR98-2453

Dear Mr. Grubbs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118800.

The Ellis County District Attorney Clerk's Office (the "clerk") received a request for a variety of information concerning child support payments and obligations, where the "obligor is 4 months behind in child support payments." In response to the request, you submit to this office for review a representative sample of the information which you assert is responsive.¹ You contend that the responsive information is excepted from disclosure under sections 552.003 and 552.101 of the Government Code. We have considered the exceptions and arguments you raise, and have reviewed the representative sample of the information at issue.

Initially, we address your assertion that the request for information may require the clerk to perform legal research. The Open Records Act does not require a governmental body to conduct legal research, but a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision Nos. 563 (1990), 561 (1990). We next address your arguments against disclosure of the requested information.

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. Chapter 231 of the Family Code pertains to the administration of Title IV-D child support programs. Chapter 231 contains the following provisions:

Sec. 231.001. DESIGNATION OF TITLE IV-D AGENCY.

The office of the attorney general is designated as the state's Title IV-D agency.

...

Sec. 231.004. TITLE IV-D REGISTRY.

The Title IV-D agency shall establish a registry for Title IV-D cases that shall:

- (1) receive child support payments;
- (2) maintain a record of child support paid and any arrearages owed under each order;
- (3) distribute child support payments received as required by law; and
- (4) maintain custody of official child support payment records.

...

Sec. 231.108. CONFIDENTIALITY OF RECORDS AND PRIVILEGED COMMUNICATIONS

(a) [A]ll files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

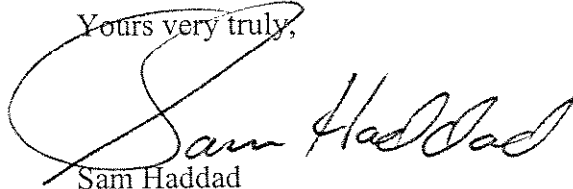
In this instance, the requestor seeks information concerning obligors and obligees of child support payments, information which is collected by the clerk pursuant to the administration of Title IV-D child support programs under chapter 231 of the Family Code. Therefore, we conclude that the entire requested child support information is confidential under section 231.108 of the Family Code and, accordingly, must be withheld under section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision.² This ruling is limited to the particular records at issue

²As we resolve this matter under section 552.101, we need not address your other arguments against disclosure.

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large initial "S" that loops around the first part of the name.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 118800

Enclosures: Submitted documents

cc: Mr. Steven Clary
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(w/o enclosures)